

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

In Re: /

Ruth Seffernick, / Related Case **#19-33682**

Debtors. / Judge John P. Gustafson

Ruth Seffernick / Adversary Case \_\_\_\_\_  
PO Box 313  
Continental, OH 45831 /

Plaintiffs /

-vs- /

Credit Acceptance Corp / **COMPLAINT TO RECOVER  
A PREFERENTIAL PAYMENT**  
C/o Levy & Associates, LLC /  
4645 Executive Drive /  
Columbus, OH 43220 /

Defendant. /

The Plaintiff, Ruth Seffernick, by and through their attorney represent:

1. This is a core proceeding. This Court has jurisdiction over this adversary proceeding under 28 U.S.C. Section 1334, 28 U.S.C. Section 157, and 11 U.S.C. Section 522(h).
2. That the Debtors caused to be filed in the United States Bankruptcy Court for the Northern District of Ohio, a Petition under 11 U.S.C. Chapter 7 on November 14, 2019.
3. Plaintiff states that the Defendant obtained a garnishment of the Plaintiff's Wages, in the amount of Six Hundred Thirty-two and 89/100 Dollars (\$632.89) within ninety (90) days prior to the Plaintiff's Chapter 7 Bankruptcy proceeding which allowed Defendant to receive more than it would in the Chapter 7 proceeding on its antecedent debt while the Plaintiff was insolvent. A copy of the Court's

printout of receipts and disbursements under the Order of Garnishment is attached hereto and marked as Exhibit "A". Said payment is a preference under 11 U.S.C. Section 547.

4. On or about November 14, 2019 demand was made to the Defendant for the funds to be forwarded to the Plaintiffs' attorney, for the recovery of the Six Hundred Thirty-two and 89/100 Dollars (\$632.89). A copy of the letter is attached hereto and marked as Exhibit "B".

5. On or about March 4, 2020 a second letter was forwarded to Defendant demanding that the funds be forwarded to Plaintiffs' attorney. A copy of the letter is attached hereto and marked as Exhibit "C".

6. The Trustee has not attempted to recover the preference from Defendant.

7. The garnishment was not a voluntary payment.

8. Based upon the above, the claims owed to the Plaintiffs may be recovered by the Plaintiffs pursuant to 11 U.S.C. Section 522(h).

**WHEREFORE**, the Plaintiffs respectfully request an Order granting judgment to the Plaintiffs against the Defendant in the amount of Six Hundred Thirty-two and 89/100 Dollars (\$632.89) plus Statutory interest from date of demand; and for such other and further relief as is just.

Respectfully submitted:

REEVES AND SHERRICK CO., L.P.A.

BY: /s/ Randy L. Reeves  
RANDY L. REEVES (0009934)  
MELISSA R. SHERRICK (0092324)  
Attorney for Debtors/Plaintiffs  
973 West North Street  
Lima, Ohio 45805  
(419) 228-2122 Telephone  
(419) 222-6718 Facsimile  
[randy@reeveslpa.com](mailto:randy@reeveslpa.com)  
[melissa@reeveslpa.com](mailto:melissa@reeveslpa.com)

<b>ADVERSARY PROCEEDING NUMBER</b> <b>(Court Use Only)</b>	
<b>PLAINTIFFS</b> Ruth Ellen Seffernick PO Box 313 203 S. 6th St. Continental, OH 45831	<b>DEFENDANTS</b> Credit Acceptance Corp c/o Levy & Associates, LLC 4645 Executive Drive Columbus, OH 43220
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.) Randy L Reeves Reeves and Sherrick Co., LPA 973 W. North St. Lima, OH 45805 419-228-2122 Fax: 419-222-6718	<b>ATTORNEYS</b> (If Known)
<b>PARTY</b> (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUES INVOLVED) Complaint for Violation of Automatic Stay pursuant to 28 U.S.C. Section 1334, 28 U.S.C. Section 157, and 11 U.S.C. Section 522(h).	
<p><b>FRBP 7001(1) - Recovery of Money/Property</b></p> <p>[ ] 11-Recovery of money/property - §542 turnover of property        [ ] 12-Recovery of money/property - §547 preference        [ ] 13-Recovery of money/property - §548 fraudulent transfer        [ ] 14-Recovery of money/property - other</p> <p><b>FRBP 7001(2) - Validity, Priority or Extent of Lien</b></p> <p>[ ] 21-Validity, priority or extent of lien or other interest in property</p> <p><b>FRBP 7001(3) - Approval of Sale of Property</b></p> <p>[ ] 31-Approval of sale of property of estate and of a co-owner - §363(h)</p> <p><b>FRBP 7001(4) - Objection/Revocation of Discharge</b></p> <p>[ ] 41-Objection / revocation of discharge - §727(c),(d),(e)</p> <p><b>FRBP 7001(5) - Revocation of Confirmation</b></p> <p>[ ] 51-Revocation of confirmation</p> <p><b>FRBP 7001(6) - Dischargeability</b></p> <p>[ ] 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims        [ ] 62-Dischargeability - §523(a)(2), false pretenses,           false representation, actual fraud        [ ] 67-Dischargeability - §523(a)(4), fraud as fiduciary,           embezzlement, larceny</p> <p style="text-align: center;">(continued next column)</p> <p><b>FRBP 7001(6) - Dischargeability (continued)</b></p> <p>[ ] 61-Dischargeability - §523(a)(5), domestic support        [ ] 68-Dischargeability - §523(a)(6), willful and malicious injury        [ ] 63-Dischargeability - §523(a)(8), student loan        [ ] 64-Dischargeability - §523(a)(15), divorce or separation obligation           (other than domestic support)        [ ] 65-Dischargeability - other</p> <p><b>FRBP 7001(7) - Injunctive Relief</b></p> <p>[ ] 71-Injunctive relief - imposition of stay        [ ] 72-Injunctive relief - other</p> <p><b>FRBP 7001(8) Subordination of Claim or Interest</b></p> <p>[ ] 81-Subordination of claim or interest</p> <p><b>FRBP 7001(9) Declaratory Judgment</b></p> <p>[ ] 91-Declaratory judgment</p> <p><b>FRBP 7001(10) Determination of Removed Action</b></p> <p>[ ] 01-Determination of removed claim or cause</p> <p><b>Other</b></p> <p>[ ] 55-SIPA Case - 15 U.S.C. §§78aaa et seq.        [ ] 02-Other (e.g. other actions that would have been brought in state           court if unrelated to bankruptcy case)</p>	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$
Other Relief Sought	

<b>NAME OF DEBTOR</b> Ruth Ellen Seffernick		<b>BANKRUPTCY CASE NO.</b> 19-33682	
<b>DISTRICT IN WHICH CASE IS PENDING</b> Northern Dist of Oh.		<b>DIVISION OFFICE</b> Western Division	<b>NAME OF JUDGE</b> John P. Gustafson
<b>PLAINTIFF</b>	<b>DEFENDANT</b>	<b>ADVERSARY PROCEEDING NO.</b>	
<b>DISTRICT IN WHICH ADVERSARY IS PENDING</b>		<b>DIVISION OFFICE</b>	<b>NAME OF JUDGE</b>
<b>SIGNATURE OF ATTORNEY (OR PLAINTIFF)</b>			
<u>/s/ Randy L Reeves</u> <b>Randy L Reeves</b>			
<b>DATE</b> March 19, 2020	<b>PRINT NAME OF ATTORNEY (OR PLAINTIFF)</b> Randy L Reeves 0009934		

#### **INSTRUCTIONS**

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

Date	Docket Text	Amount Owed
09/27/2019	Issue Date: 09/27/2019 Service: GARNISHMENT SERVICE Method: CERTIFIED MAIL Cost Per: \$8.50	\$8.50
<b>EATON CORPORATION</b> 4400 EASTON COMMONS WAY SUITE 125 ATTN: CT CORP REG AGNT COLUMBUS, OH 43219 Tracking No: 9414726699042137864970		
10/07/2019	CERTIFIED RECEIPT RETURNED, SIGNED BY EATON CORP/DANIEL KELLEY	\$0.00
10/09/2019	GARNISHMENT RETURNED ON: 10/9/19 FROM: EATON CORP REC'D: EMPLOYED	\$320.40
10/22/2019	WAGE GARNISHMENT PROCEEDS RECEIVED FROM EMPLOYER EATON CORP Receipt: 212608 Date: 10/22/2019	\$6.41
10/22/2019	POUNDAGE Receipt: 212609 Date: 10/22/2019	\$312.49
11/04/2019	WAGE GARNISHMENT PROCEEDS RECEIVED FROM EMPLOYER EATON CORP Receipt: 212869 Date: 11/04/2019	\$6.25
11/04/2019	POUNDAGE Receipt: 212871 Date: 11/04/2019	\$620.23
11/15/2019	1099-C GROSS PROCEEDS PAID TO ATTORNEY LEVY & ASSOCIATES LLC	
11/18/2019	NOTICE OF BANKRUPTCY FILED Attorney: REEVES, RANDY L. (0009934)	\$4.00
11/18/2019	ORDER TO STAY PROCEEDINGS - IT IS ORDERED, ADJUDGED AND DECREED THAT THIS CASE BE PLACED ON THE INACTIVE DOCKET UNTIL SUCH TIME AS RELIEF OR DISCHARGE IS GRANTED BY THE UNITED STATES BANKRUPTCY COURT. COSTS OF THIS ACTION SHALL BE PAID FROM DEPOSITS FROM DATE OF FILING TO DATE AND ANY REMAINDER SHALL BE REFUNDED, UPON REACTIVATION OF THIS CASE THE CLERK OF COURTS SHALL REQUIRE ADDITIONAL FUNDS FOR DEPOSIT TO BE FILED. COUNSEL SHALL NOTIFY THIS COURT AS SOON AS THE CASE IS READY TO PROCEED. THE ABOVE-ENTITLED CASE IS HEREBY STAYED PENDING ADMINISTRATION OF THE BANKRUPTCY CASE IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF OHIO, WESTERN DIVISION.	
11/19/2019	WAGE GARNISHMENT PROCEEDS RECEIVED FROM EMPLOYER EATON Receipt: 213229 Date: 11/19/2019	\$319.50
11/19/2019	DISBURSMENT TO: RUTH SEFFERNICK	\$319.50
11/29/2019	RELEASE OF WAGE GARNISHMENT ORDER DUE TO BANKRUPTCY. CC:PLTF ATTY, EATON Attorney: KERNS, JORDANNA B (0092047)	\$4.00
12/16/2019	NOTICE OF FILING UNDER BANKRUPTCY CODE Attorney: WINTERS, SEAN M (0084612)	

**Financial Summary**

Cost Type	Amount Owed	Amount Paid	Amount Adjusted	Amount Outstanding
COST	\$336.66	\$307.66	\$17.00	\$12.00
Total	Total	Total	Total	Total

**Money on Deposit with the Court**

Account	Applied Amount
COURT DEPOSITS	\$34.66
Total	\$34.66

**Money Distributed by Court**

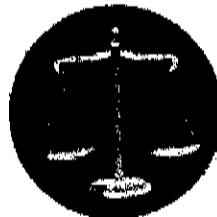
Payment Type	Amount
PAYOUT	\$939.73
Total	\$939.73

Exhibit A"

# REEVES AND SHERRICK CO., L.P.A.

Randy L. Reeves  
973 W. North Street  
Lima, Ohio 45805  
Tel (419) 228-2122  
Fax (419) 222-6718  
[randy@reeveslpa.com](mailto:randy@reeveslpa.com)

**BOARD CERTIFIED –  
CONSUMER BANKRUPTCY LAW**



Melissa Sherrick  
973 W. North Street  
Lima, OH 45805  
Tel (419) 228-2122  
Fax (419) 222-6718  
[melissa@reeveslpa.com](mailto:melissa@reeveslpa.com)

November 14, 2019

Yale R. Levy  
Levy & Associates, LLC  
4645 Executive Drive  
Columbus, OH 43220

**RE:** Credit Acceptance Corp vs. Ruth E. Seffernick  
Putnam County Municipal Court, Ohio  
Case # 2019 CVF 00064  
Chapter 7 Case 19-33682

Dear Sir;

Please find enclosed a Notice of Bankruptcy Filing regarding the above named individual(s), which was filed on November 14, 2019. Apparently a garnishment had been filed against my client(s). It is requested that you refund the \$632.89 received within ninety (90) days prior as the amount exceeded \$600.00 and constitutes a preference plus any amounts subsequent to the Bankruptcy filing date of November 14, 2019 made payable to Randy L. Reeves, attorney for Debtor(s), 973 West North Street, Lima, Ohio 45805.

Failure to comply with the above request within ten (10) days of the date of this letter may result in an Adversary proceeding being filed in the Bankruptcy Court.

Please give the above your immediate attention.

Sincerely,  
REEVES AND SHERRICK CO., L.P.A.

RANDY L. REEVES  
Attorney at Law

RLR  
Enclosure

*"We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code."*

*Exhibit "B"*

United States Bankruptcy Court  
Northern District of Ohio**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 7 of the United States Bankruptcy Code, entered on 11/14/2019 at 09:00 AM and filed on 11/14/2019.

**FILED****11/14/2019****09:00 AM**

**Ruth Ellen Seffernick**  
PO Box 313  
Continental, OH 45831  
SSN / JTIN: xxx-xx-1585  
*aka Ruth Ellen Finnerty*  
*aka Ruth Ellen Mowery*

The case was filed by the debtor's attorney:      The bankruptcy trustee is:

**Randy Lee Reeves**  
973 W North Street  
Lima, OH 45805  
419-228-2122

**Bruce C. French**  
PO Box 839  
Lima, OH 45802-0839  
419-222-9134

The case was assigned case number 19-33682-jpg to Judge JOHN P. GUSTAFSON.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available via the **PACER** system at <https://www.ohnb.uscourts.gov> (registration required) or at the Clerk's Office, United States Bankruptcy Court, 1716 Spielbusch Ave Room 411, Toledo, OH 43604 between the hours of 9:00 AM - 4:00 PM.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Josiah C. Sell**  
**Clerk, U.S. Bankruptcy Court**

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
11/14/2019 09:15:08			
PACER Login:	Rlreeves53:2626598:0	Client Code:	

# REEVES AND SHERRICK CO., L.P.A.

Randy L. Reeves  
973 W. North Street  
Lima, Ohio 45805  
Tel (419) 228-2122  
Fax (419) 222-6718  
[randy@recveslpa.com](mailto:randy@recveslpa.com)

**BOARD CERTIFIED -  
CONSUMER BANKRUPTCY LAW**



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Lima, OH 45805  
Tel (419) 228-2122  
Fax (419) 222-6718  
[melissa@recveslpa.com](mailto:melissa@recveslpa.com)

March 4, 2020

Via Facsimile: 614-898-5230

Yale R. Levy  
Levy & Associates, LLC  
4645 Executive Drive  
Columbus, OH 43220

**RE:** Credit Acceptance Corp v Ruth E. Seffernick  
Putnam County Municipal Court, Ohio  
Case # 2019 CVF 00064  
Chapter 7 Case 19-33682

Dear Sir;

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Please give the above your immediate attention.

Sincerely,  
REEVES AND SHERRICK CO., L.P.A.

  
RANDY L. REEVES

Attorney at Law

RLR/jes

*"We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code."*

Exhibit "C"

United States Bankruptcy Court  
Northern District of Ohio

## Notice of Bankruptcy Case Filing

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**FILED**

**11/14/2019**

**09:00 AM**

**Ruth Ellen Seffernick**

PO Box 313  
Continental, OH 45831  
SSN / ITIN: xxx-xx-1585  
*aka Ruth Ellen Finnerty*  
*aka Ruth Ellen Mowery*

The case was filed by the debtor's attorney:      The bankruptcy trustee is:

**Randy Lee Reeves**  
973 W North Street  
Lima, OH 45805  
419-228-2122

**Bruce C. French**  
PO Box 839  
Lima, OH 45802-0839  
419-222-9134

The case was assigned case number 19-33682-jpg to Judge JOHN P. GUSTAFSON.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available via the **PACER** system at <https://www.ohnb.uscourts.gov> (registration required) or at the Clerk's Office, United States Bankruptcy Court, 1716 Spielbusch Ave Room 411, Toledo, OH 43604 between the hours of 9:00 AM - 4:00 PM.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Josiah C. Sell**  
**Clerk, U.S. Bankruptcy Court**

<b>PACER Service Center</b>		
<b>Transaction Receipt</b>		
11/14/2019 09:15:08		
PACER Login:	Rlreevcs53:2626598:0	Client Code:

**TRANSMISSION REPORT**

(WED) MAR 4 2020 9:45

User / Account :	DOCUMENT#	: 9304129-731
DESTINATION : 6148985230	TIME STORED	: MAR 4 9:44
DEST. NUMBER : 6148985230	TX START	: MAR 4 9:44
F-CODE :	DURATION	: 46sec
	COM. MODE	: ECM
PAGES : 2page		
RESULT : OK		

*Faxed & mailed*

# **REEVES AND SHERRICK CO., L.P.A.**

**Randy L. Reeves**  
 973 W. North Street  
 Lima, Ohio 45805  
 Tel (419) 228-2122  
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March 4, 2020

Via Facsimile: 614-898-5230

Yale R. Levy  
 Levy & Associates, LLC  
 4645 Executive Drive  
 Columbus, OH 43220

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